

21st CENTURY RADIO VENTURES, INC.  
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November 29, 1995

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Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Rm 222  
Washington, D.C. 20554

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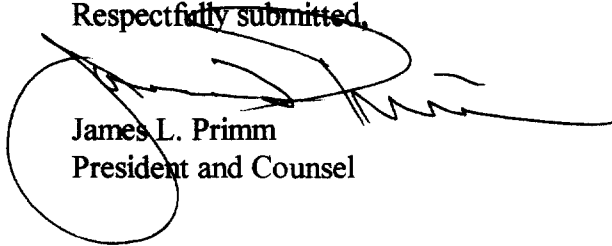
re: RM-8634  
MM Docket No. 95-83

Dear Mr. Caton:

Transmitted herewith is the Motion to Dismiss "Supplement to Reply Comments of Lee W. Shubert, Trustee" with respect to the Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Littlefield, Wolfforth and Tahoka, Texas), Notice of Proposed Rule Making, MM Docket No. 95-83, RM-8634, DA 95-1271 (June 19, 1995).

If you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

  
James L. Primm  
President and Counsel

Enclosure

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Littlefield, Wolfforth and Tahoka, Texas

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MM Docket No. 95-83  
RM-8634

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TO: Chief, Allocations Branch

**Motion to Dismiss "Supplement to Reply Comments" of Lee W. Shubert, Trustee**

21st Century Radio Ventures, Inc., ("Petitioner"), hereby requests that the Commission dismiss the "Supplement to Reply Comments" of Lee W. Shubert, Trustee, licensee of KLLL (FM), Lubbock, Texas ("KLLL") filed in the above captioned proceeding.

KLLL first filed "Reply Comments" in this proceeding on August, 25, 1995. Petitioner sought dismissal of such "Reply Comments" on the grounds that such comments were untimely filed (see Motion to Dismiss Comments of Lee W. Shubert Trustee, filed by Petitioner on September 26, 1995).

Now KLLL, apparently relying on Rule 1.65 of the Commission's rules, which, by KLLL's own admission applies only to applications and therefore not to rule making

proceedings, seeks to file additional comments. Such comments are simply not allowed. Rule 1.415(d) of the Commission's rules could not be more plain with respect to additional comments in rule making proceedings: **"No additional comments may be filed unless specifically requested or authorized by the Commission."**

KLLL's comments add nothing that was not already either stated in their late filed "Reply Comments" or that was already available to the Commission. Indeed, 9 of the 11 1/2 pages of KLLL's "Supplement to Reply Comments" consisted of sending the Commission a copy of Petitioner's Request for Extension of Time which had previously been filed with the Commission on October 10, 1995. In an era of strained Commission resources, the Commission should not countenance superfluous pleadings which add nothing to the record.

#### **Permission to File Re-reply Comments**

In the event that the Commission accepts KLLL's comments, or permits such comments to stand as informal comments under the Commission's rules, Petitioner hereby requests that it be granted a reasonable amount of time to file comments to KLLL's "Supplement to Reply Comments".

#### **Conclusion**

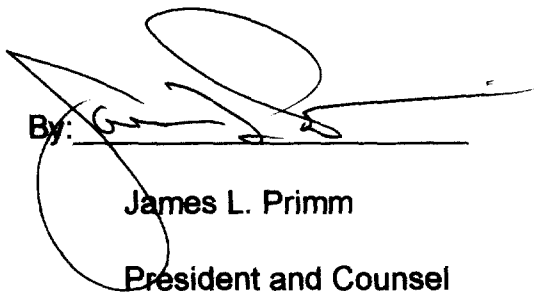
The Commission should expeditiously move to dismiss KLLL's "Reply

Comments" and its "Supplement to Reply Comments" and should grant the requests made by Petitioner in its Petition for Rule Making.

All statements contained herein are true and correct to the best of my knowledge and belief.

Respectfully submitted,

21st Century Radio Ventures, Inc.

By:   
James L. Primm  
President and Counsel

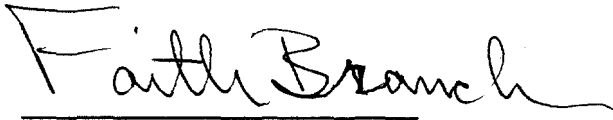
DATE: November 29, 1995

James L. Primm  
21st Century Radio Ventures, Inc.  
530 Wilshire Blvd., suite 301  
Santa Monica, CA 90401  
310-393-2741

**Certificate of Service**

I, Faith Branch, hereby certify that on this 29th day of November, 1995, I caused to be delivered by first class mail, postage pre-paid, copies of the foregoing Motion to Dismiss Supplement to Reply Comments of Lee W. Shubert Trustee, to the following:

William R. Richardson, Jr.  
Wilmer, Cutler & Pickering  
2445 M Street, N.W.  
Washington, D.C. 20037  
(Attorneys for Lee W. Shubert, Trustee)

A handwritten signature in cursive script that reads "Faith Branch". The signature is written in dark ink and is positioned above a horizontal line.

Faith Branch